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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,066	04/14/1999	MASAHIKO NIHKAWA	032567-009	1637
21839	7590	11/12/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			HANNETT, JAMES M	
		ART UNIT		PAPER NUMBER
		2612		

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No.	Applicant(s)
	09/291,066	NIIKAWA, MASAHIKO
	Examiner James M Hannett	Art Unit 2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on 16 August 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See office action.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-18

Claim(s) withdrawn from consideration: \_\_\_\_\_

8.  The drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 7/16/2004 have been fully considered but they are not persuasive. The applicant argues that the prior art does not teach an interface for connecting the photographing apparatus as a peripheral device to a processor that forms a node on the network. The applicant states that the Cepulis patent teaches that the CPU of a computer controls peripheral devices such as network adaptors and a modem installed in PCI slots of the computer. The applicant argues that there is simply no teaching or suggestion in Cepulis that a CPU of one computer is connected by a PCI bus to control a CPU of another computer. The applicant argues that a computer/computer LAN connection using a PCI bus connection is not taught in Cepulis.

Fukumitsu et al teaches a CCD/computer combination which is viewed by the examiner to be the photographing apparatus, is connected to other computers over a network. The other computers are viewed by the examiner as processors that form nodes on the network. However, Fukumitsu et al does not teach the type of network used to interface the computers.

Cepulis as stated in the prior office action teaches on Column 1, Lines 44-46 and Column 8, Lines 19-25 that it is advantageous to use PCI (peripheral component interconnect) network adaptors in personal computers to enable computers in a network to communicate using high speed communication standards. Cepulis teaches that the network adapters are connected to the computer system through the peripheral component interconnect. Therefore, the remote computers on the network interface with the computer through the peripheral component interconnect. Although the CPU of the CCD/computer combination does not interface directly through the PCI with the CPU of another computer by having the CPU of a remote computer

directly connected to the PCI bus, the two computers are connected via network adapters that are connected to the PCI Bus. Therefore, it is viewed by the examiner that the CCD/computer combination is connected as a peripheral device to a processor that forms a node on the network.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1: Claims 1-18 rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,141,052 Fukumitsu et al in view of USPN 6,397,268 Cepulis.
- 2: As for Claim 1, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected via cables or by wireless; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. Fukumitsu et al teaches in Column 5, Lines 9-16 the use of a liquid crystal display (LCD screen) for displaying images and other information. Fukumitsu et al teaches in Column 1, Lines 57-67 the use of an operation unit that controls the operation of the photographing apparatus and interchanges data through the communications interface and a communications network, therefore allowing data taken by the camera to be processed on the network. The examiner is viewing the photographing apparatus as the camera connected to a computer.

However, Fukumitsu et al does not teach that the photographing apparatus has a display screen for displaying a network structure.

Official notice is taken that it was well known in the art at the time the invention was made for computer systems to have software that showed the network hierarchical structure and allows a user to drag file to different computers or printers on the network in order to transfer them to the different computers on the network. Such a program was Microsoft windows network explorer.

Fukumitsu et al teaches that the CCD/computer combination is connected to other computers over a network. However, Fukumitsu et al does not teach the specific type of network connection and therefore does not teach that the photographing apparatus is connected as a peripheral device to a processor that forms a node on the network. The processor is viewed as a processor in one of the other computers on the network.

Cepulis teaches on Column 1, Lines 44-46 and Column 8, Lines 19-25 that it is advantageous to use PCI network adapters in Personal computers to enable computers in a network to communicate using a high speed communication standard. Because the network adapters are connected using a peripheral component interconnect to the CPU of the computer, it is viewed by the examiner that a computer that is in communication with the CPU of another computer is viewed as a peripheral device to that CPU since it is communicating with the CPU over a Peripheral component connection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use PCI network adapters in the network system as taught by Fukumitsu

et al in order to enable computers in a network to communicate using a high speed communication standard.

3: In regards to Claim 2, Fukumitsu et al teaches that the photographing apparatus can transmit images to others and that the PC's on the network can display the images on a monitor. Furthermore, Fukumitsu et al teaches on Column 4, Lines 45-55 that the personal computers can have a hard disk drive to store the image data. It is inherent in the process of sending image data over a network to a PC to be displayed on a monitor that the image data be stored in a memory on the remote PC.

4: In regards to Claim 3, Fukumitsu et al teaches on Column 4, Lines 44-49 that the photographing apparatus is capable of causing a printer connected to the network to print out the image data taken by the digital camera.

5: As for Claim 4, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected via cables or by wireless; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. Fukumitsu et al teaches in Column 5, Lines 9-16 the use of a liquid crystal display (LCD screen) for displaying images and other information. Fukumitsu et al teaches in Column 1, Lines 57-67 the use of an operation unit that controls the operation of the photographing apparatus and interchanges data through the communications interface and a communications network, therefore allowing data taken by the camera to be processed on the network. The operation unit controls all the operations of the personal computers with the cameras connected to them. Fukumitsu et al teaches that the images captured from one camera

can be transmitted over a network to another PC. This process of displaying the data on a remote PC is viewed as executing a program stored on the computers connected to the network, because in order for a computer to display image data on a monitor stored programs need to be executed. The examiner is viewing the photographing apparatus as the camera connected to a computer.

However, Fukumitsu et al does not teach that the photographing apparatus has a display screen for displaying a network structure.

Official notice is taken that it was well known in the art at the time the invention was made for computer systems to have software that showed the network hierarchical structure and allows a user to drag file to different computers or printers on the network in order to transfer them to the different computers on the network. Such a program was Microsoft windows network explorer.

Fukumitsu et al teaches that the CCD/computer combination is connected to other computers over a network. However, Fukumitsu et al does not teach the specific type of network connection and therefore does not teach that the photographing apparatus is connected as a peripheral device to a processor that forms a node on the network. The processor is viewed as a processor in one of the other computers on the network.

Cepulis teaches on Column 1, Lines 44-46 and Column 8, Lines 19-25 that it is advantageous to use PCI network adapters in Personal computers to enable computers in a network to communicate using a high speed communication standard. Because the network adapters are connected using a peripheral component interconnect to the CPU of the computer, it is viewed by the examiner that a computer that is in communication with the CPU of another

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computer is viewed as a peripheral device to that CPU since it is communicating with the CPU over a Peripheral component connection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use PCI network adapters in the network system as taught by Fukumitsu et al in order to enable computers in a network to communicate using a high speed communication standard.

6: As for Claim 5, Fukumitsu et al teaches that the computers can record the image data onto a hard drive. Fukumitsu et al further teaches that the computer has a communications ability to send data to a remote PC over a network.

Official notice is taken that it was well known in the art at the time the invention was made for computers to have E-Mail software that allowed a user to attach image files and send them via E-Mail to a remote user on a network. This program is advantageous because it allows a user to easily send messages and files to remote users.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an E-Mail programs on the computers of Fukumitsu et al in order to allow it to easily send messages and image files to remote users.

7: In regards to Claim 6, Claim 6 is rejected for reasons discussed related to Claim 1, Since Claim 1 is substantively equivalent to Claim 6.

8: In regards to Claim 7, Claim 7 is rejected for reasons discussed related to Claim 2, Since Claim 2 is substantively equivalent to Claim 7.

9: As for Claim 8, Claim 8 is rejected for reasons discussed related to Claim 3, Since Claim 3 is substantively equivalent to Claim 8.

10: As for Claim 9, Claim 9 is rejected for reasons discussed related to Claim 4, Since Claim 4 is substantively equivalent to Claim 9.

11: In regards to Claim 10, Claim 10 is rejected for reasons discussed related to Claim 5, Since Claim 5 is substantively equivalent to Claim 10.

12: As for Claim 11, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. Fukumitsu et al teaches in Column 5, Lines 9-16 the use of a liquid crystal display (LCD screen) for displaying images and other information. This system is connected to other computers over a network.

However, Fukumitsu et al does not teach that the photographing apparatus has a display screen for displaying a network structure.

Official notice is taken that it was well known in the art at the time the invention was made for computer systems to have software that showed the network hierarchical structure and allows a user to drag file to different computers or printers on the network in order to transfer them to the different computers on the network. Such a program was Microsoft windows network explorer.

Fukumitsu et al teaches that the CCD/computer combination is connected to other computers over a network. However, Fukumitsu et al does not teach the specific type of network connection and therefore does not teach that the photographing apparatus is connected as a

peripheral device to a processor that forms a node on the network. The processor is viewed as a processor in one of the other computers on the network.

Cepulis teaches on Column 1, Lines 44-46 and Column 8, Lines 19-25 that it is advantageous to use PCI network adapters in Personal computers to enable computers in a network to communicate using a high speed communication standard. Because the network adapters are connected using a peripheral component interconnect to the CPU of the computer, it is viewed by the examiner that a computer that is in communication with the CPU of another computer is viewed as a peripheral device to that CPU since it is communicating with the CPU over a Peripheral component connection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use PCI network adapters in the network system as taught by Fukumitsu et al in order to enable computers in a network to communicate using a high speed communication standard.

13: In regards to Claim 12, Fukumitsu et al teaches on Column 1, Lines 57-67 the use of an operation unit that controls the operation of the photographing apparatus and interchanges data through the communications interface and a communications network, therefore allowing data taken by the camera to be processed on the network. The examiner is viewing the photographing apparatus as the camera connected to a computer.

14: As for Claim 13, Official notice is taken that when implementing the network browsing software as discussed above, the display will substantially mimic a screen display of one of the data processing devices when the photographing apparatus is connected to the network, because the network browsing software is run on all the computers on the network. Furthermore, the

network structure shown by the computer with the camera attached would be the same network hierarchy shown in another computer connected to the network.

15: In regards to Claim 14, The network as taught above has at least one of the data processing devices is an image processing apparatus; computers with cameras connected to them are viewed as image processing devices. Furthermore, because computers on the network are able to process the incoming image data the computers are viewed as image processing apparatuses; Column 4, Lines 50-55.

16: As for Claim 15, Fukumitsu et al teaches on Column 4, Lines 44-49 that the photographing apparatus is capable of causing a printer connected to the network to print out the image data taken by the digital camera.

17: In regards to Claim 16, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected via cables or by wireless; Column 4, Lines 50-55. Because Fukumitsu et al can transmit images to remote computers on a network it is inherent that it include an interface for connecting the photographing apparatus to a network. The communications line is viewed as a connection that is rather cabled or wireless.

18: As for Claim 17, Official notice is taken that it was commonly known in the art at the time the invention was made for computers to include a selecting device such as a mouse for selecting at least one application stored on any one of the plurality of data processing devices, and when one application is selected, the operation unit causes the application to execute. Microsoft's network browsing software allows users to scroll through programs stored on remote computers by

browsing threw the file directory of a remote computer and if double clicked can be executed by a remote computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include network browsing software to allow users to scroll threw programs stored on remote computers by browsing the file directory of a remote computer and execute the programs in able to allow remote users to share programs.

19: As for Claim 18, Fukumitsu et al teaches the use of a photographing apparatus connectable to a network to which several image processing apparatuses are connected via cables or by wireless; Column 4, Lines 50-55. Fukumitsu et al teaches the processor is a personal computer.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-842-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-308-6789.

James Hannett  
Examiner  
Art Unit 2612

JMH  
October 7, 2004

*W. Garber*  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
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